

STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

WATER EMPLOYEES ASSOCIATION,)	ITEM NO. 245
)	
Complainant,)	CASE NO. A1-045454
)	
-vs-)	<u>DECISION</u>
)	
LAS VEGAS VALLEY WATER)	
DISTRICT,)	
)	
Respondent.)	

For Complainant: Patricia S. Waldeck, Esq.

For Respondent: Gregory E. Smith, Esq.
SMITH & KOTCHKA

STATEMENT OF THE CASE

On August 22, 1989, Complainant Water Employees Association ("Union") brought this complaint against the Las Vegas Valley Water District ("District") alleging that the District implemented changes in the group health insurance plan including an increased premium deduction for dependent coverage on July 1, 1989 without negotiating those changes with the Union and further, that the District discriminated against Union members by paying the increased dependent premiums for employees not represented by the Union.

On April 27, 1990, the parties appeared before the Local Government Employee-Management Relations Board ("Board") at a regularly held public meeting in Las Vegas requesting that the Board render a decision in this matter based on the Stipulation of Facts and Exhibits, Prehearing Statements and exhibits previously filed. The Board granted the request and

1 waived a hearing on the matter.

2 On May 18, 1990, at a regularly held public meeting,
3 duly noticed and posted pursuant to NRS Chapter 241, the
4 Board, based on due deliberation of the evidence and argument
5 presented, dismissed the Complaint.

6 DISCUSSION

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8 THIS MATTER IS MOOT BECAUSE THE
9 FACTFINDER PREVIOUSLY AWARDED ALL
10 BENEFITS BEING SOUGHT BY THE UNION.

11 On July 24, 1989, the Union filed a grievance over the
12 withholding of the increased health insurance premiums,
13 utilizing Articles 5 and 6 of the expired labor agreement
14 between the parties which provided for a three-step grievance
15 procedure and for final and binding arbitration. Although the
16 Union pursued the grievance through the three-step procedure
17 and filed its notice of intent to arbitrate, the Union chose
18 not to proceed to arbitration. Instead, the Union brought the
19 matter before this Board in the form of this complaint on
20 August 22, 1989.

21 On December 18, 1989, in a separate action, the Union
22 and the District submitted their contract negotiations
23 dispute, including this matter, to factfinder Joseph F.
24 Gentile. On February 3, 1990, Mr. Gentile issued his final
25 and binding award which included an order that the District
26 reimburse the employees represented by the Union for the
27 increased premiums which had been deducted from their
28 paychecks between July 11, 1989 and January 1, 1990. This

1 matter is moot, and the Board, therefore, declines to rule on
2 the merits of this complaint.


3 ORDER

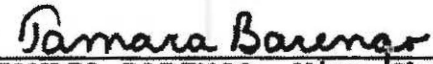
4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

5 1. That the Union's Complaint, be, and hereby is,
6 dismissed with prejudice.

7 DATED this 11th day of June, 1990.

8 LOCAL GOVERNMENT EMPLOYEE-
9 MANAGEMENT RELATIONS BOARD

10 By 
11 SALVATORE C. GUGINO, Chairman

12 By 
13 TAMARA BARENGO, Vice Chairman

14 By 
15 HOWARD ECKER, Member
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